

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition Nos.23564 & 23593 of 2012

Dated 13th August, 2015

Between:

Adarsh Welfare Society

...Petitioner

(W.P.No.23564 of 2012)

And

Andhra Pradesh State Road Transport Corporation, Musheerabad,
Hyderabad rep.by its Vice Chairman and Managing Director and
others

...Respondents

(W.P.No.23564 of 2012)

Counsel for the petitioner: Sri O.Manohar Reddy

Counsel for the respondents: Sri A.Ravi Babu

The Court made the following:

COMMON ORDER:

These two writ petitions have been filed by two co-operative societies feeling aggrieved by proceedings bearing No.P4/785(10)/2011-RM-NLG, dated 02.07.2012, of respondent No.2, blacklisting the petitioners.

The main ground among various other grounds on which the order of blacklisting is questioned by the petitioners is that though the order, dated 26.12.2011, of respondent No.2, disqualifying the petitioners' tenders on the ground that they have incorporated the words 'to conduct cleaning and maintenance' in their byelaws though they have not been part of the byelaws was questioned in W.P.No.5971 of 2012 and an interim order was granted on 16.04.2012, respondent No.2 has passed the impugned order blacklisting the petitioners on the ground on which their tenders were disqualified.

The learned counsel for the petitioners has also submitted that notices were not served on the petitioners as evident from the impugned order, wherein it is held that the notices sent to the petitioners were returned with an endorsement "Addressee left. Returned to sender" and that therefore, no proper opportunity was given to them.

Indubitably, an order of blacklisting results in serious adverse consequences to the party against which such an order is passed. When the very proceeding of respondent No.2 by which he has disqualified the tenders of the petitioners was subject matter of a writ petition and his decision was suspended by this Court, I find no justification whatsoever for respondent No.2 to initiate a separate proceeding and blacklist the petitioners for the same reasons for which their tenders were rejected. The fact that respondent No.2 is in the know of interim order, dated 16.04.2012, passed by this Court suspending his proceeding is evident from the office order, dated 26.04.2012, passed by him. Disregarding pendency of the writ petition and the interim order suspending his proceedings, respondent No.2 has passed the impugned order of blacklisting on the same basis on which he has rejected the tenders and that too without ensuring that notices are served on the petitioners and their explanation is considered before they are blacklisted. Thus, on the facts of these cases, I am of the opinion that respondent No.2 has acted with patent arbitrariness in blacklisting the petitioners.

Accordingly, the impugned orders are quashed and the writ petitions are allowed with costs of Rs.5,000/- (Rupees five thousand only) in each writ petition.

As a sequel to disposal of the writ petition, the pending interlocutory applications shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

13th August, 2015
VGB